

Press Information: Plymouth, CT Sexually Oriented Business Ordinance

ADULT USES REGULATIONS

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Contact Information

National Coalition for Sexual Freedom

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NCSF Mission Statement

The NCSF is committed to creating a political, legal and social environment in the US that advances equal rights for consenting adults who engage in alternative sexual and relationship expressions. The NCSF aims to advance the rights of, and advocate for consenting adults in the BDSM-Leather-Fetish, Swing, and Polyamory Communities. We pursue our vision through direct services, education, advocacy, and outreach, in conjunction with our partners, to directly benefit these communities.

Some history

This ordinance is being inappropriately applied to a private gathering of friends. This club is private, has no signage, and has created none of the nuisances that the ordinance was designed to protect against. It employs a highly restricted access policy and does not sell food, drinks, or entertainment. No local advertising has been done, and discretion has always been the goal.

While most Plymouth residents have been neutral, a vocal minority has loudly protested purely based on moral grounds.

These events are already happening in homes and commercial establishments in and near Plymouth, and applying this ordinance merely succeeds in denying people a safe space to practice these constitutionally protected activities.

Issues with the ordinance and process

Adverse Secondary Effects

The justification for this ordinance was designed to “protect, preserve and promote the health, safety and welfare of the patrons of such businesses, as well as the health, safety and welfare of the town's residents.” And “preventing the deterioration of the town's neighborhoods, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and its leaders.”

To this end, by its very operation, this club has demonstrated that there is no risk to property values, sanitation, or safety. In fact, the Plymouth Police Department investigated based on the conjecture of human trafficking and found only a small group of discreet, “well-dressed” people, and stated several times that no criminal activity was happening. This is the only time the police have been called to the Wicked Fun Club for any reason.

All of the research on “Adverse Secondary Effects” is related to for-profit gentlemen’s clubs and adult bookstores which are open to the public. This private membership club is never open to the public and has no advertising or signage.

There are zero studies or statistics where private lifestyle clubs have brought crime to an area, or posed a health or safety risk. Often where cities choose to allow those businesses is in an industrial or manufacturing zone, and when comparing the before and after, there has been no difference in crime, or a slight decrease in crime because of the stability and security brought to the area.

Clubs like these have rules that all members must adhere to, and behavioral standards that are enforced, including that all activity is clearly consensual and the law is followed. This important education provides benefits for local citizens both at the club and beyond in their personal relationships.

These kinds of ordinances are an affront to free trade, personal freedom, and privacy rights.

The Supreme Court has cited that regulations must be ‘content neutral,’ which means the research studies applied must be similar, and public gentlemen's clubs in urban areas are not similar to a private membership club in Plymouth (City of Renton v. Playtime Theatres, Inc., 1986).

Concentration

According to the Cease and Desist:

“The intent of this section is to regulate uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect

upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.”

As this is the only private membership club in the area, not open to the public, it is not a “business,” and none of the adverse secondary effects have occurred. Therefore, it is not a risk for blight or downgrade.

Misrepresentation

The Cease and Desist specifically calls out four (4) categories of business:

- Adult Book Store
- Adult Motion Picture Theater
- Adult Mini-Motion Picture Theater
- Adult Entertainment Cabaret

This private social club is none of those, and doesn’t fit the definition of any of the regulated categories in the ordinance.

Constitutional Right to Gather in Private

This issue is grounded in the constitutional protection of freedom of association. It is unconstitutional to prohibit a private club where people can associate, just because a loud minority of people object to their personal choices on moral grounds.

This is further supported by *Lawrence v. Texas* where deference must be made to private choices where they are not directly affecting anyone else.

It’s important to not apply government regulation against people because of who they associate with, and the content of their speech—in other words, the expression in private of their beliefs. Many people need safe and private spaces to gather without public or government intrusion so they can meet with their peers and get support from like-minded individuals.

Over-taxing and over-regulating private clubs can only aim to overburden the financial stability of the club and make it harder for marginalized groups to gather in private. It also squanders tax dollars, and benefits no one.

The state of Connecticut and the Town of Plymouth already have enforceable laws to keep people safe and to keep private activities behind closed doors. In a time when we are all concerned about government intrusion into people's lives—for example, there are people who want to tax churches now—Plymouth does not need to misapply an inappropriate law to enforce an extra burden of government.

In other words, just because it's not your cup of tea doesn't mean local authorities should stop other people from making their own legal, private choices.

In Support of Private Membership Clubs

The Wicked Fun Club, and clubs like them, are private members-only, alternative lifestyle groups that provide a safe meeting place for their members. They are private centers where like-minded adults can learn more about consent and healthy relationships.

Many towns in the U.S. have private membership clubs like Wicked Fun Club, and they maintain good relations with the local police with no issues arising from their operation in the neighborhood, just like the police in Plymouth found no criminal activity at Wicked Fun Club.

Not a Sexually Oriented Business

Wicked Fun Club is not a sexually oriented business because all of the social activities are participated in by the members themselves. The club does not employ staff or hire contractors to provide entertainment or performances like a sexually oriented business.

The Plymouth Zoning Board serve the entirety of Plymouth, including the large percentages of adults in the area who want to access the membership services that the Wicked Fun Club provides.

Like any club or organization, they work to keep the area clean and safe and address any issues quickly because this is their community. This included cooperating with law enforcement when asked to, despite the complaint being conjecture.

Research on Non-monogamy

Parenting

[Dr. Elisabeth Sheff](#) has spent 20 years studying a number of non-monogamous families with children, with parents who engage in swinging, open relationships, polyamory, and/or polyfidelity. Sheff's longitudinal research has revealed a number of trends: children who grow up in non-monogamous homes, some of which involved multiple adult partners cohabiting and some not, appeared to be healthy, self-confident, intelligent, articulate, well-adjusted, and benefit from a greater availability of love, nurturing, and resources (Pallotta-Chiarolli 2020; Sheff 2014; 2016). There is no indication of higher levels of child abuse or childhood neglect by non-monogamous parents.

Pallotta-Chiarolli, M., Sheff, E., Mountford, R. (2020). Polyamorous Parenting in Contemporary Research: Developments and Future Directions. In: Goldberg, A.E., Allen, K.R. (eds) LGBTQ-Parent Families. Springer, Cham. https://doi.org/10.1007/978-3-030-35610-1_10

Sheff, E. (2014). The polyamorists next door: Inside multiple-partner relationships and families. Lanham, Maryland: Rowman & Littlefield.

Sheff, E. (2016). Resilience in polyamorous families. In P. Karian (Ed.), *Critical & experiential: Dimensions in gender and sexual diversity* (pp. 257–280). Hampshire, England: Resonance Publications Ltd.

Divorce

According to a [recent study](#) cited by [VeazeyFelder, LLC](#), the rate of divorce in Louisiana is 15.5%. By comparison, OPEN's 2023 [Community Survey](#) of nearly 2,500 people found that only 12.7% of their respondents were divorced.

Sexual Assault/Domestic Violence

According to the [Newcomb Institute](#) at Tulane University, two-fifths of adults in Louisiana (41%) have experienced sexual violence or harassment in their lifetime.

By comparison to non-monogamous participants in a recent NCSF survey, 33.6% of the 3,000 respondents had experienced sexual assault as an adult in a mainstream context, while only 25.5% had experienced a nonconsensual experience within in an alt-sex context (swing, polyamory, or kink event/relationship) with about half of those experiences being sexual assault, eg. only 14%. This is a fraction of the sexual assaults experienced in the mainstream by Louisiana residents.

Wright, S., Bowling, J., McCabe, S., Benson, J. K., Stambaugh, R., & Cramer, R. J. (2022). Sexual Violence and Nonconsensual Experiences Among Alt-Sex Communities' Members. *Journal of Interpersonal Violence*, 8862605211062999. <https://doi.org/10.1177/08862605211062999>

Bowling, J., Wright, S., Stambaugh, R., Gioia, D., Cramer, R. (2021) Consent Survey Tech Report. University of North Carolina Charlotte with the National Coalition for Sexual Freedom. <https://ncsfreedom.org/wp-content/uploads/2021/01/Consent-Survey-2020-report.pdf>

Health

Plymouth, CT experiences STI rates that align with Connecticut's broader trends, which show increases in chlamydia, gonorrhea, and syphilis. Specifically, Litchfield County (which includes Plymouth) saw an average of 186 chlamydia cases and 47 gonorrhea cases per 100,000 residents between 2018 and 2020.

By comparison, peer-reviewed research has found that non-monogamous participants take more precautions than those in monogamous relationships in terms of greater condom use during intercourse and a higher likelihood of STI testing. Thus, the precautions they take indicates that people with negotiated non-monogamy have fewer STIs and infect fewer partners than do people in unfaithful relationships in which the partners are cheating.

Sheff, E. (2014). *The polyamorists next door: Inside multiple-partner relationships and families*. Lanham, Maryland: Rowman & Littlefield.

- Lehmiller JJ. (2015) A Comparison of Sexual Health History and Practices among Monogamous and Consensually Nonmonogamous Sexual Partners. *Journal of Sexual Medicine*. Oct;12(10):2022-8. doi: [10.1111/jsm.12987](https://doi.org/10.1111/jsm.12987).
- Fleckenstein, J. R., & Cox, D. W. (2014). The association of an open relationship orientation with health and happiness in a sample of older US adults. *Sexual and Relationship Therapy*, 30(1), 94–116. <https://doi.org/10.1080/14681994.2014.976997>

Statement from Tess Zachary of the National Coalition for Sexual Freedom

Given the stigma that oftentimes exists towards open conversations about sexual health, it is no surprise that communities that celebrate diverse expressions of human sexuality and desire are often misunderstood.

This private membership club deserves your protection. In addition to the constitutionally protected freedom of expression that should be afforded to all people in Plymouth, and Connecticut, the opposition consists of a small group of people who want to dictate how people live based on their personal religious beliefs. While their beliefs are valid and right for them, they should not be applied to anyone else.

The current application of Adverse Secondary Effects does not apply even tangentially to Plymouth or this private social club. There are no studies or evidence where private lifestyle clubs have brought crime to an area or posed a health or safety risk. When looked at objectively, this is a misapplication of this ordinance and amounts to administrative harassment.

This sort of moral policing disguised as lawmaking is a dangerous and slippery slope for the financial well-being of your town and citizens who need their tax dollars to be spent on important issues.

- This kind of Ordinance cost the city of City of Doraville \$267,000 in a single attorney for a single lawsuit, and Floyd County, GA paid \$189,149.80 just in a single bill to an attorney to fight a lawsuit.

Despite the few loud voices, most people in Plymouth are not concerned about this nondescript private club that wants to quietly exist alongside their neighbors without disturbance. Even the Plymouth Police have found no evidence of crimes, despite a baseless investigation. The lack of thoughtful consideration on this matter is concerning when you haven't considered the serious restriction of liberty and the financial repercussions of pursuing this issue.

Reference Material

Language of Ordinance: ARTICLE VI. - SEXUALLY ORIENTED BUSINESSES

https://library.municode.com/ct/plymouth/codes/code_of_ordinances?nodeId=PTIICOR_CH9LIPEMIBURE

Cease and Desist from 3/28/2025



Town of Plymouth Land Use Department

80 Main Street, Terryville, Connecticut 06786
 Telephone: (860) 585-4043 Fax: (860) 314-2564
<http://www.plymouthct.us>

NOTICE OF ZONING VIOLATION
ORDER TO CEASE & DESIST

Date: March 28, 2025

Notice is hereby given that the following violation of the zoning regulations of the Town of Plymouth exists on premises known as 27 Main Street Terryville, CT 06786.

Occupant: Wicked Fun Club; Steven & Jodi Zils Gagne
 Address: Wicked Fun Club 156 Pheasant Run Rd, Bristol, CT 06010
 Owner of Record: Leonora LLC
 Violation: Non Permitted Use
 Regulation: Adult Uses Regulations Section 6 Q

The property subject to this notice is described as follows:

Street Address: 27 Main Street, Terryville, CT 06786
 Assessor's Parcel: Map 042 Block 096 Lot 005A

Wicked Fun Club is an establishment for people who wish to interact with other people for sexual enjoyment. Such activity falls under Section 6.Q. of the Zoning Regulations, titled "Adult Uses Regulations". The Club is a place where adult people can gather and engage with other adults in activities described in Provision v. of Section 6.Q. titled "Specified Sexual Activities". The description is wide in scope, includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

No approval for the Club has been obtained from the Planning & Zoning Commission. The property, 27 Main Street, is located in the C-1 General Commercial District. Adult Uses are not permitted in the C-1 General Commercial District.

Moreover, the Club violates specific distance requirements. As an Adult Use, the Club cannot abut in whole or in part, a residential zone. The Residence R-20 District is to the immediate south of this parcel. An Adult Use must also be 1,000 feet from a church; Riverside Baptist Church is the neighbor to the immediate east.

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STATE OF CONNECTICUT

Sec. 8-12 Procedure when regulations are violated... "Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land, removal of earth or soil erosion and sediment control, fails to comply with such order immediately, or continues to violate any provision of the regulations made under authority of the provisions of this chapter specified in such order shall be subject to a civil penalty.

You have a right to appeal this notice to the Zoning Board of Appeals in the manner prescribed by Connecticut General Statutes, Section 8-7.


This notice may be recorded on the land records of the Town of Plymouth.

Ten days expires: April 17, 2025.

Dated at Plymouth, Connecticut
This 28th day of March, 2025.

Any questions, contact me at 860-585-4042.


Zoning Enforcement Officer

A TRUE COPY
ATTEST. 
JULIANNE INGHAM
CT STATE MARSHAL

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Language used in Cease and Desist to Justify ordinance.

Q. ADULT USES REGULATIONS

NOTE: For the purposes of this section only, school shall mean daycare, nursery school and public, private or parochial schools from K-12.

1. Purpose: The intent of this section is to regulate uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

2. Definitions: For the purpose of this section, the following definitions shall apply:

i. **Adult Book Store:** An establishment having as a substantial or significant portion of its stock in trade books, magazines, films for sale or viewing on premises by uses of motion picture devices or any coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, or an establishment with a segment or section devoted to the sale or display of such material;

ii. **Adult Motion Picture Theater:** An enclosed building with a capacity of 50 or more persons used regularly and routinely for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, for observation by patrons therein;

iii. **Adult Mini-Motion Picture Theater:** An enclosed building with a capacity for less than 50 persons used for material having as a dominant theme material distinguished or characterized by an emphasis or matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, for observation by patrons therein;

iv. **Adult Entertainment Cabaret:** A public or private establishment which is licensed to serve food and/or alcoholic beverages, which feature topless dancers, strippers, male or female impersonators, or similar entertainers, or acts relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, for observation by patrons therein;

v. **“Specified Sexual Activities”** is defined as:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

vi. **“Specified Anatomical Area”** is defined as:

- a. Less than completely and opaquely covered: (I) human genitals, pubic region, (II) buttock and (III) female breast below a point immediately above the top of the areola.
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3. Regulated Uses: Regulated uses include all Adult Uses which include, but are not limited to, the following:

Adult Book Store

Adult Entertainment Cabaret

Adult Mini-Motion Picture Theater

Adult Motion Picture Theater

i. Adult uses shall be permitted subject to the following restrictions:

a. No Adult Use shall be located in any zoning district except I-2 Industrial);

b. No Adult Use shall be permitted within a 1000 foot radius of an existing Adult Use establishment property line. Measurement of the 1000 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated;

c. No Adult Use shall be permitted on a parcel which abuts in whole or in part any residential zone;

d. No Adult Use shall be permitted within a 1000 foot radius of a school, church, charitable institution, whether supported by public or private funds, hospital, library, public playground, fire or police station or municipal building. Measurement of the 1000 foot radius shall be as above in Section a.2;

e. Required off-street parking shall be in compliance with Article 7 of these regulations;

f. No Adult Use as defined herein shall be conducted in any manner that permits the observation of any material depicting or describing of "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein, from any public way. This provision shall apply to any building exterior display, decoration, sign, show window or other building exterior opening.